

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 24705)

ANDREW S. AND DOROTHY A. MARTIN )

Applicants )

JAMES F. SMITH )

Protestant )

Decision: 1522

Source: White Rock Creek

County: El Dorado

DECISION APPROVING APPLICATION 24705 IN PART

BY THE BOARD:

Andrew S. and Dorothy A. Martin having filed Application 24705 for a permit to appropriate unappropriated water; a protest having been received; the applicants and protestant having stipulated to proceedings in lieu of hearing as provided for by Title 23, California Administrative Code, Section 737; an investigation having been made by the State Water Resources Control Board pursuant to said stipulations; the Board, having considered all available information finds as follows:

Substance of the Application

1. Application 24705 is for a permit to appropriate 7.5 acre-feet per annum (afa) by diversion to storage from November 1 to May 30 for stock-watering, recreation, and fire protection purposes. The point of diversion is within the NW $\frac{1}{4}$  of SW $\frac{1}{4}$ , Section 2, T10N, R11E, MDB&M.

Applicants' Project

2. The applicants use an existing earthfill dam about 11 feet high and 20 feet wide forming a 7.5 acre-feet reservoir about 195 feet long and 115 feet wide. The present depth of the reservoir is about two or three feet,

but the applicants reported it was once about 15 feet. Springs tributary to White Rock Creek are covered by Statement of Water Diversion and Use S8427 and provide irrigation water and supplementary stockwater. The applicants have recently developed these springs by channeling the flow into the Creek. This eliminated a swampy area overgrown with cattails and willows. A spring on another part of the property provides domestic water supply. The applicants claim riparian rights to this spring and have filed Statement of Water Diversion and Use S8689.

#### Protest

3. James Smith filed a protest against approval of the application. He holds licensed Application 20256B which allows diversion of 2,000 gallons per day year-round, for domestic and landscape uses. His diversion is about 1.5 miles downstream from the applicants' dam. He claims that the applicants' proposed April through November use will cause a serious depletion in White Rock Creek. He requests deletion of April, May, and November from the storage season.

#### Availability of Unappropriated Water

4. Analysis of precipitation records, watershed size, and present diversions indicates that sufficient water would normally be available to satisfy Application 24705 and other vested rights during the period November 1 to April 30.

5. W. C. Cumming, who is just downstream from the applicants, and upstream from Protestant Smith, holds licensed Application 12240 which allows diversion of 0.21 cfs between May 1 and October 15 for irrigation. He diverts from an eight acre-foot onstream reservoir. When he starts to irrigate in

early May, his reservoir ceases to spill causing reduced flow in White Rock Creek. Diversions in May by the applicants would increase the duration of reduced flow to the protestant. Later in the irrigation season, as irrigation upstream in the watershed increases, irrigation return flows also increase in the creek and Cumming's reservoir refills. The applicants' spring improvement and flow channelization have salvaged water which would otherwise have been lost by evapo-transpiration and have thus enhanced flow in White Rock Creek. Residents report that in 1976, a below normal year, Cumming's reservoir spilled almost continuously due to the development of the applicants' springs.

6. Observations during the field investigation of October 13, 1976, indicate that there is ample flow in White Rock Creek to satisfy the needs of the applicants, protestants, and Cummings. Prior Board decisions have indicated that winter storage will not adversely affect the rights of water users on the major stream system.

7. The intended use is beneficial.

#### Environmental Considerations

8. The State Board has prepared a Negative Declaration in accordance with the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.) and the State Guidelines. The Board determines that the project will not cause any significant adverse effect on the environment.

Record in this Matter

9. The records, documents, and other data relied upon in determining this matter are: the files of licensed Application 12240, licensed Application 20256, and Application 24705 and all information on file therewith, especially the Report of Field Investigation and Engineering Staff Analysis dated October 11, 1977.

Conclusions

10. From the foregoing findings, the Board concludes that Application 24705 should be approved in part and that a permit should be issued to the applicants for diversion to storage during the period November 1 to April 30, subject to the conditions set forth in the order following.

ORDER

IT IS HEREBY ORDERED that Application 24705 be approved in part and that a permit be issued to the applicants subject to vested rights. The permit shall contain all applicable standard permit terms (5i, 6, 10, 11, 12, and 13)\* in addition to the following conditions:

1. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 7.5 acre-feet per annum to be collected from November 1 of each year to April 30 of the succeeding year.

2. Permittees shall install and maintain devices satisfactory to the Board to measure (a) water flowing into the reservoir and (b) water flowing below the downstream toe of the dam.

3. Complete application of the water to the proposed use shall be made on or before December 1, 1983.

Dated: August 16, 1979

/S/ W. DON MAUGHAN

W. Don Maughan, Chairman

/S/ WILLIAM J. MILLER

William J. Miller, Vice Chairman

/S/ L. L. MITCHELL

L. L. Mitchell, Member

/S/ CARLA M. BARD

Carla M. Bard, Member

\* The Board maintains a list of standard permit terms. Copies are available upon request.

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